

**Exhibit 9**

CAUSE NO. 20-2579-431

THOMAS RETZLAFF,  
Petitioner,

Vs.

JASON LEE VAN DYKE,  
Respondent.

§ IN THE DISTRICT COURT

§§ OF DENTON COUNTY, TEXAS

§§ 431st JUDICIAL DISTRICT

**PETITIONER'S REQUEST FOR ISSUANCE OF A BENCH  
WARRANT FOR THE ARREST OF FUGITIVE WITNESS JAMES  
ALEXANDER MCGIBNEY**

Petitioner asks the court to issue a bench warrant or writ of attachment for the arrest of James A. McGibney for refusing to attend a deposition, as provided by Texas Code of Criminal Procedure Chapter 24.

**A. INTRODUCTION**

1. Petitioner is Thomas Retzlaff, respondent is Jason Lee Van Dyke.
2. This case involves a sexual assault / stalking / human trafficking victim application for order of protection brought pursuant to Texas Code of Criminal Procedure Chapter 7A. An order of protection is being sought against Jason Lee Van Dyke, who is the leader of the *Proud Boys* white

supremacist gang, regarding acts of stalking, threats of violence, and threats of murder committed by Van Dyke against Mr. Retzlaff due to Mr. Retzlaff being a witness against Van Dyke in various State Bar disciplinary proceedings (for which Van Dyke was recently given yet another suspension and fine), as well as Mr. Retzlaff being a witness for the prosecution in Van Dyke's ongoing criminal cases.

3. A hearing on the application for protective order is set for June 29, 2020.

#### B. Facts

4. James Alexander McGibney is a fellow member of the white supremacist gang the *Proud Boys*.<sup>1</sup> He also runs a revenge pornography website that posts the intimate photographs of young girls whom McGibney then sexual blackmails by threatening to post their personal information and make defamatory statements about them unless these girls and their families pay him \$499. McGibney's business model is called "Crowd Sourced Blackmailing."

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<sup>1</sup> The *Proud Boys* has been designated as a hate group by the Southern Poverty Law Center. The Anti-Defamation League describes the organization as a misogynistic, Islamophobic, transphobic and anti-immigrant extremist group with some members that "espouse white supremacist and anti-Semitic ideologies." It has more than 10,000 members across the country and has been responsible for numerous acts of political and racial violence, to include organizing the *Unite the Right* rally in Charlottesville, VA, in August 2017 in which one woman was murdered and dozens injured.

5. On May 19, 2020, respondent Van Dyke filed a First Amended Answer in which he outlined various “affirmative defenses.” On May 29, 2020, Van Dyke filed his First Amended Answers to Interrogatories in which he identified McGibney as his “main witness” in support of his affirmative defenses and stated that he would be a person called upon to testify regarding this at trial. See Van Dyke’s Amended Interrogatory Answers, numbers 2(b) and 20.

6. In a concurrent federal lawsuit involving the parties (*Van Dyke v. Retzlaff*, Case No. 4:18-cv-00247, filed in the U.S. District Court for the Eastern District of Texas), Van Dyke also listed McGibney as his “main witness” and a person whom he will call upon at trial to testify.

7. As a result of both of these revelations, a federal subpoena was issued notifying McGibney that he was required to attend a deposition on June 17, 2020, in Austin, Texas. See attached Exhibit 1. He failed to appear. (This is the second time that McGibney has failed to appear at a properly noticed deposition, with the first being on June 8, 2020.)

8. In addition to being a member of the *Proud Boys* white supremacist gang, James Alexander McGibney frequently brags in news media

interviews to having an “Online Army of Trolls” at his disposal and of being a leader within the illegal hacking groups *Anonymous* and *The Rustle League*.<sup>2</sup> Several of McGibney’s followers / hired employees have recently been arrested by federal authorities and are doing hard time for computer related crimes:

- a) Deric Lostutter (Case # 5:2016-cr-00062 in the E.D. of KY – 2 years federal prison for cyberstalking, computer hacking, and lying to the FBI).
- b) Justin Liverman (Case # 1:16-cr-00313 in the E.D. of VA – 5 years federal prison for hacking the personal email accounts of the CIA director and the National Security Director, “doxing” government officials, and making bomb threats).
- c) Matthew Keys (Case # 2:13-cr-00082 in the E.D. of Calif – 2 years in federal prison for computer hacking).
- d) And one associate, Christopher Doyon (aka “Commander X”) is still on the run from the FBI today (Case # 5:11-cr-00683 in the N.D. of Calif).

9. Both McGibney and Van Dyke have been involved in recent attempts at SWATting Mr. Retzlaff and his family members. Recently, McGibney posted ‘revenge porn’ photographs of Mr. Retzlaff’s daughter, Brittany, on his Cheaterville.com website along with highly defamatory claims about her

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<sup>2</sup> See, e.g., *Vigilanteville: James McGibney and his online army*, published Oct 7, 2014, in Al Jazeera America (online at: <http://america.aljazeera.com/articles/2014/10/7/james-mcgibney-bullyville.html>) and *James McGibney: Digital Vigilante*, published Feb 25, 2016, in the UK Edition of Wired Magazine (online at: <https://www.wired.co.uk/article/james-mcgibney-troll-hunter>) and *The Bully Waging War Against Bullies*, published July 11, 2017, in The Daily Beast (online at: <https://www.thedailybeast.com/the-bully-waging-war-against-bullies>).

and Mr. Retzlaff. McGibney later sued Mr. Retzlaff in a series of SLAPP lawsuits filed in both California and Texas, which resulted in him being hit with court sanctions and attorney's fees of \$1.3 million for violating the Texas anti-SLAPP statute. See *McGibney v. Retzlaff, et al.*, Case # 067-270669-14, filed in the 67<sup>th</sup> District Court of Tarrant County, Texas, final judgment dated December 30, 2015.

10. As a member and leader within the hacking group *Anonymous*, McGibney (who works in the IT department at the Pflugerville, Texas, location of Rosendin Electric) has bragged in news articles and on social media about having access to, and utilizing, the *Shadow Brokers / Anonymous* 'leaked' hacking tools belonging to the NSA's Office of Tailored Access Operations (such as *EternalBlue*), which is easily available online. McGibney claims to be an expert in this kind of stuff (he testified to that under oath in one of the SLAPP lawsuits he filed against Mr. Retzlaff), and in an interview with *Wired Magazine* in April 2016 he claimed to have used such tools in the past against such personal "enemies" as Hunter Moore and others whom he stalks!

11. As evidenced by the attached affidavits from various process servers, McGibney has repeatedly been evading service of the subpoena, in violation

of the law. No less than 16 separate attempts were made to serve McGibney at his home and work locations in Williamson County, Texas. See attached Exhibits 2 – 4. McGibney's supervisor at the Pflugerville location of Rosendin Electric, John Colley, was personally informed about the two federal subpoenas and has failed to cooperate.<sup>3</sup>

12. Mr. Retzlaff provides the court with all of this information so that the court knows that it is dealing with a slippery character who regularly acts outside of the law and social norms the rest of us take for granted; thus, the only certain way of securing McGibney's appearance for court hearings and depositions is for the court to issue a bench warrant / writ of attachment for the following individual:

James Alexander McGibney  
DOB: Oct 31, 1973  
TX DL# [REDACTED]  
SSN: [REDACTED]

Home:  
4305 Ridgebend Dr.  
Round Rock, TX 78665-5009

Work:  
Rosendin Electric, Inc.  
1033 Meister Ln., Ste. 100  
Pflugerville, TX 78660

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<sup>3</sup> John Arthur Colley resides at [REDACTED] and Mr. Retzlaff will shortly be requesting the Clerk to issue a subpoena for him so he can be questioned under oath about this obstruction of justice.

13. In addition to McGibney's association with the *Proud Boys* white supremacist gang, it appears from various social media posts that McGibney is also linked to the *Boogaloo Movement* – a right-wing extremist group that harbors a mistrust of law enforcement and government, and anticipates a second American Civil War, referred to as the “boogaloo.”<sup>4</sup> During a May 28, 2020, deposition in this case, Van Dyke admitted to speaking with McGibney on at least a weekly basis for the past two or more years. Mr. Retzlaff requested that he make his “main witness” available for deposition, but Van Dyke refused.

C. Prayer

14. Mr. Retzlaff has a Sixth Amendment right to confront and question the witnesses against him. Van Dyke has identified McGibney as his “main witness” in this case. For these reasons, Mr. Retzlaff asks the court to issue a bench warrant / writ of attachment ordering law enforcement officers to arrest James Alexander McGibney and hold him in custody until a deposition can take place and trial be had in this case.

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<sup>4</sup> Two members of McGibney's *boogaloo* group were arrested this week for the murder of several law enforcement officers in northern California.

Respectfully submitted,



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Petitioner, pro se

**CERTIFICATE OF CONFERENCE**

I certify that on June 16, 2020, I conferred with respondent, Jason Van Dyke, and he said he was not going to produce McGibney for a deposition.



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Thomas Retzlaff